

III. SUBSTANCE ABUSE TREATMENT (continued)

- C. **If you are 12 or older**, you can be provided some limited treatment without your parent or guardian's consent or knowledge.

IV. TREATMENT RIGHTS FOR MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

- A. You must be provided **prompt and adequate treatment**.
- B. **If you are 14 years old or older**, you can **refuse treatment until** a court orders it.
- C. You **must be told** about your treatment and care.
- D. You have the right to and are encouraged to **participate** in the **planning** of your treatment and care.
- E. Your relatives must be **informed of any costs** they may have to pay for your treatment.

V. PERSONAL RIGHTS

- A. You must be **informed of your rights**.
- B. **Reasonable decisions** must be made about your treatment and care.
- B. **You cannot be treated unfairly** because of your race, national origin, sex, religion, disability or sexual orientation.

VI. RECORD ACCESS AND PRIVACY

- A. Staff must keep your treatment information **private** (confidential). However, it is possible your parents may see your records.
- B. If you want to **see your records**, ask a staff member.
1. You may always see your records on any **medications you take**.
 2. **Staff may limit** how much you may see of your other records. They must give you reasons for any limits.
- C. If you are at least 14, you can consent to releasing your own records to others.

VII. PATIENT RIGHTS HELP

If you want to know more about your rights or feel your **rights have been violated**, you may do any of the following:

- A. **Contact the patient rights staff** if you have any questions. Their contact information should be provided to you by the service provider.
- B. **File a complaint**. Patient rights staff will look into your complaints. They will keep your complaints **private** (confidential); however, they may need to ask staff about the situation.
- C. **Call Disability Rights Wisconsin (DRW)**. They are advocates and lawyers who can help you with patient rights issues. Their telephone number is **(608) 267-0214** or **1 (800) 928-8778**.

DEPARTMENT OF HEALTH AND FAMILY SERVICES
Division of Disability and Elder Services
PDE-470B (1/07)

State of Wisconsin

RIGHTS OF CHILDREN AND ADOLESCENTS In Outpatient Mental Health Treatment

*What every young patient needs to know
to be aware of his/her legal rights.*



I. OUTPATIENT MENTAL HEALTH TREATMENT CONSENT

A. If you are less than 14 years old:

A parent or your guardian must agree, in writing, to your receiving outpatient mental health treatment.

B. If you are 14 years or older:

1. You **and** your parent or guardian must agree to your receiving outpatient mental health treatment.
2. If you want treatment but your parent or guardian is unable to agree to it or will not agree to it, you (or someone on your behalf) can petition the county Mental Health Review Officer (MHRO) for a review.
3. If you do not want treatment but your parent/guardian does, the treatment director for the clinic where you are receiving your treatment must petition the MHRO for a review.

II. REVIEW BY MHRO AND/OR COURT

- A. Each Juvenile Court appoints a MHRO for that county. You can get the MHRO contact information from the juvenile court. A list of MHRO's by county is at: <http://dhfs.wisconsin.gov/clientrights/minors/MHRO.htm>
- B. The Juvenile Court must ensure that you are provided any necessary assistance in the petition for review.

- C. The MHRO must inform your county of the petition for review.
- D. You may request that the court conduct your review instead. That will happen if the MHRO agrees it is in your best interests.
- E. If the MHRO does the review:
 1. A hearing must be held within 21 days of the filing of the petition for review.
 2. Everyone must get at least 96 hours (4 days) notice of the hearing.
 3. To approve your treatment (against your will or despite the refusal of your parent/guardian) the MHRO must find that all these are true:
 - a. The refusal of consent is unreasonable.
 - b. You are in need of treatment.
 - c. The treatment is appropriate and the least restrictive treatment available.
 - d. The treatment is in your best interests.
 4. You and your parent/guardian will be informed of the right to a judicial review.

F. Judicial Review

1. Within 21 days of the MHRO's ruling (or if that review is skipped), you (or someone acting on your behalf) can petition the Juvenile Court for a judicial review.
2. If you do not want the treatment, the court must appoint you an attorney at least 7 days prior to the hearing.

3. If it is your parent/guardian who does not want the treatment and you do not already have a lawyer, the court must appoint you one.
4. A court hearing must be held within 21 days of the petition.
5. Everyone must get at least 96 hours notice of the hearing.
6. To approve your treatment (against your will or despite the refusal of your parent/guardian) the Judge must find that all these are true:
 - a. The refusal of consent is unreasonable.
 - b. You are in need of treatment.
 - c. The treatment is appropriate and least restrictive for you.
 - d. The treatment is in your best interests.
7. A court ruling does not mean that you have a mental illness.
8. The court's ruling can be appealed to the Wisconsin Court of Appeals.

III. SUBSTANCE ABUSE TREATMENT

- A. **If you are less than 18**, if your parent or guardian agrees to it, you can be **required** to participate in treatment for alcohol or other drug abuse.
- B. **If you are less than 12**, you may get limited treatment (like detox) without your parent or guardian's consent only if they cannot be found or you do not have one.